

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN MARTINI,

Plaintiff,

-against-

05 Civ. 9881

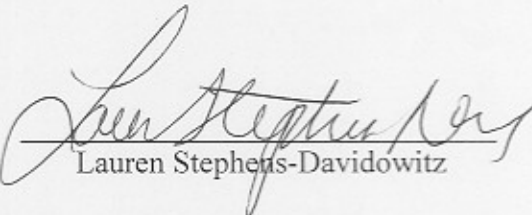
THE CITY OF NEW YORK, *et al.*,

Defendants.
-----X

DECLARATION OF SERVICE

LAUREN STEPHENS-DAVIDOWITZ declares, pursuant to 28 U.S.C. § 1746 and under the penalty of perjury, that on November 28, 2005, I personally served a copy of the summons and complaint upon defendant City of New York by delivering the same to Garry Jean-Gilles, Docketing Clerk, at the Corporation Counsel of the City of New York, located at 100 Church Street, 4th Floor, New York, NY 10007, being a person and address designated by the City of New York for that purpose.

Dated: November 28, 2005
New York, New York


Lauren Stephens-Davidowitz

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN MARTINI,

Plaintiff,

against

CITY OF NEW YORK, et al.,

Defendants.
-----X

Case no. 05 Civ. 9881

**AFFIDAVIT OF
SERVICE**


State of New York)
) ss.:
County of New York)

Luis R. Ayala, being duly sworn, deposes and says that the deponent is not a party to this action, is over the age of eighteen years, is an independent process server (license number 1024905), and resides in the State of New York:

(1) That on December 13, 2005 at 7:25 p.m., deponent served a true copy of the summons and complaint in the above-captioned matter upon defendant Sergio Coppola and upon defendant Bruce Smolk, at their place of employment, NYPD, Patrol Borough Manhattan South, 230 East 21st Street, New York, NY 10010. Both sets of documents were received and signed for by Sgt. Loughran (#601). Sgt. Loughran was Caucasian, approximately 60 years old, 5'10" tall, 190 pounds and was bald.

(2) That on January 4, 2005, deponent mailed to defendants Coppola and Smolk true copies of the summons and complaint to their place of employment as noted above in paragraph (1) in separate envelopes marked "Personal and Confidential" and without any indication that communication was from an attorney or concerned any action against the defendants. The

envelopes were placed in a U.S. mailbox at Inwood Post Office, Vermilyea St. and 204th Street,
New York, NY 10034.


Luis R. Ayala
109 Seaman Ave., #4E
New York, NY 10034

Sworn to and Subscribed Before Me
the 9th day of January 2006


NOTARY PUBLIC

NATHANIEL B. SMITH
Notary Public State of New York
No. 02SM603258
Qualified in Kings County
Commission Expires Nov. 11, 2006

NATH
Notary Pub
No.
Qualified
Commission

NATH
Notary Pub
No.
Qualified
Commission

NATH
Notary Pub
No.
Qualified
Commission

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

JOHN MARTINI,
Plaintiff,

V.

City of New York, et al.,
Defendants.

SUMMONS IN A CIVIL ACTION

05 CV 9881

CASE NUMBER:

TO: (Name and address of Defendant)

City of New York
100 Church St.
NY, NY 10007

Police officer Sergio Coppola
c/o Patrol Borough Manhattan South
230 East 21st St.
New York, NY 10010

Assistant Chief Bruce Smolka
c/o Patrol Borough Manhattan
South
230 E. 21st St.
New York, NY 10010

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Scott A. Korenbaum, Esq.
111 Broadway, Suite 1305
New York, NY 10006

an answer to the complaint which is served on you with this summons, within twenty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 22 2005

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

| RETURN OF SERVICE | | |
|---|----------|--------------|
| Service of the Summons and complaint was made by me ⁽¹⁾ | DATE | |
| NAME OF SERVER (PRINT) | TITLE | |
| <i>Check one box below to indicate appropriate method of service</i> | | |
| <div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Other (specify):</div> | | |
| STATEMENT OF SERVICE FEES | | |
| TRAVEL | SERVICES | TOTAL \$0.00 |
| DECLARATION OF SERVER | | |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p> | | |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.